

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

KAREN MILLER,

Plaintiff

v.

Civil Action No. 2:07-00613

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Mary E. Stanley, entered on February 5, 2009; and the magistrate judge having recommended that the court deny plaintiff's motion for judgment on the pleadings; and the magistrate judge having further recommended that the court grant defendant's motion for judgment on the pleadings, affirm the final decision of the Commissioner, and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

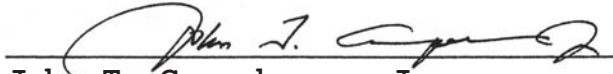
1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated

herein;

2. The plaintiff's motion for judgment on the pleadings be, and it hereby is, denied;
3. The defendant's motion for judgment on the pleadings be, and it hereby is, granted; and
4. The decision of the Commissioner be, and it hereby is, affirmed.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: February 27, 2009

  
John T. Copenhaver, Jr.  
United States District Judge